

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
MADELINE COX ARLEO
UNITED STATES DISTRICT JUDGE

MARTIN LUTHER KING COURTHOUSE
50 WALNUT ST. ROOM 4066
NEWARK, NJ 07101
973-297-4903

May 16, 2024

VIA ECF

LETTER ORDER

Re: **Bradley Livingston v. Ann-Marie Sophia Hibbert-Livingston**
Civil Action No. 24-01216

Dear Litigants:

Before the Court is Plaintiff Bradley Livingston's ("Plaintiff") Motion for Default Judgment, ECF No. 13. It appears that Defendant Ann-Marie Sophia Hibbert-Livingston's ("Defendant") deadline to answer the Complaint was April 29, 2024, see ECF No. 9, and she filed her answer on May 1, 2024, see ECF No. 12. Due to this late submission, Plaintiff requested the Clerk of the Court to enter an Entry of Default. ECF No. 11. On May 6, 2024, the Clerk declined to do so because Defendant had since filed an answer. See Docket.

In deciding a motion for default judgment, the Court must consider, among other things, (1) whether the party subject to default has a meritorious defense, (2) whether the party seeking default judgment has suffered prejudice, and (3) whether the party subject to default is culpable. See Doug Brady, Inc. v. N.J. Bldg. Laborers Statewide Funds, 250 F.R.D. 171, 177 (D.N.J. 2008). Plaintiff does not offer any evidence of prejudice from the untimeliness of Defendant's answer, nor does the Court find that this delay indicates any culpability with respect to Defendant. See id. at 178 ("[T]here is no justifiable reason to rush to the extreme sanction of default in a case such as this where the filing of an Answer was but a few days late, and such filing was not coupled with any bad faith on the part of Defendants."). Finally, given the fact that Defendant has indeed answered, there is reason to believe that she has offered a meritorious defense.

Accordingly, Plaintiff's Motion for Default Judgment, ECF No. 13, is **DENIED**.

SO ORDERED.

s/ Madeline Cox Arleo
MADELINE COX ARLEO
UNITED STATES DISTRICT JUDGE